



RECEIVED

DEC 11 2018

CITY ATTORNEY'S OFFICE  
SIOUX FALLS, SD

CITY OF SIOUX FALLS  
FALLS PARK, SOUTH DAKOTA  
DECEMBER 10, 2018

Mark Rienstra, CSP, ARM  
Senior Risk Control Consultant  
O/C (602) 931-6264  
E-Mail: [mark.rienstra@alliant.com](mailto:mark.rienstra@alliant.com)

VISIT DATE	October 29, 2018
CONTACT/TITLE	<b>Karen Leonard, Deputy City Attorney</b>
LOCATION VISITED	Falls Park in Sioux Falls, South Dakota

## SERVICE OBJECTIVE

My primary objective was to visit Falls Park located in Sioux Falls, South Dakota and provide an independent review of the drowning risk associated with Big Sioux River and Falls which pass through the park.

## SUMMARY

Considerations and recommended steps to help mitigate the drowning risks are based on observations listed below along with the visit to the park on October 29, 2018. Visitor attendance is at a lower level at this time of year than during the summer months and considered "off season".

- Reviewed the documents provided including reports of past incidents and past risk management reports.
- Conducted physical observations along the East and West banks of the Big Sioux River. The area I covered ranged North slightly past the railroad tracks, and South slightly past East Falls Park Drive.
- Conversations with Karen Leonard, Stacy Kooistra, Don Kearney, and Kelby Mieras to discuss past incidents, corrective action which has already been taken or will take place in the near future.
- A closing meeting with Karen Leonard, Don Kearney, and Kelby Mieras to discuss preliminary findings and possible suggestions.
- Observations of existing exposures, related safeguards, and visitor activity are from October 29, 2018.

## FINDINGS

- 1) Overall, it appears that the Park authorities have implemented thoughtful and adequate controls to address the primary drowning exposure associated with Big Sioux River and Falls in the areas observed on October 29, 2018.

Control measures and safeguards included:

- A) Designated walking path
- B) Several viewing stations throughout the park to deter free access to the river
- C) Properly worded and placed signage
- D) Guard rails along parts of the path and viewing stations

- 2) Numerous visitors were observed disregarding currently established warnings and safeguards so they could get closer to the falls and river. In most cases these were teenagers or adults, but some situations were noted which involved younger aged children.
- 3) Landmarks such as de-commissioned platforms, stairways, and other relics were observed along the East bank. It was indicated these are of historical significance.

## RECOMMENDATIONS FOR CONSIDERATION

Suggestions below are based on the survey findings from October 29, 2018. The intent is to reduce the likelihood of falling into the river due to proximity of visitors to the river's edge, potential unsure footing associated with weather elements and mist from the falls, and observed tendencies of visitors.

Rec #	Recommendation Details
2018-1	<p>Consider making the sandy path along the East river bank less accessible to visitors.</p> <p>This sandy path allows easy access to a large grouping of river rocks made slippery from the mist of the falls. The path was observed to be frequently traveled by visitors, even though a viewing platform was readily available in the immediate vicinity.</p> <p>Possible solutions could include extending the existing metal guard railing, or positioning large boulders or other natural barriers to maintain the park aesthetics while still providing a safeguard to this area.</p> <p>Reference pictures below #5-8</p>
2018-2	<p>Further eliminate access to the rock formation that juts out into the river from the existing viewing platform to reduce the possibility of visitors slipping and falling from potential moisture caused by rain, sleet, or snowfall combined with the steep angle of the rock formation.</p> <p>This could be accomplished by extending the existing guard railing to close the gap between railing and the viewing platform. The rock formation and viewing platform are located on the West bank of the river.</p> <p>Reference pictures below # 9-10</p>
2018-3	<p>Extend the metal vertical guard railing beyond its current point to further mitigate access to the area along the East bank of the river, which includes the single set of concrete stairs that are North of the low head dam. These stairs were indicated to have historical significance.</p>

This area represents a potential "attractive nuisance" to Falls Café patrons and the existing wooden fence appears to be easily by-passed by adults, minors, and young children.

Reference pictures below #1-4

## PHOTOS



**Pic #1**

**Stairs (historical) just North of Low Head Dam, East bank of river**



**Pic #2**

**Stairs (historical) just North of Low Head Dam, East bank**



**Pic #3**

**Fencing by Stairs, East side of River**



**Pic #4**

**Fencing by Stairs, East side of River**



**Pic #5**

**Path leading down to slippery rocks, East bank of river**



**Pic #6**

**Slippery Rocks, East bank of River**



**Pic #7**

**Slippery rocks past sandy path, East bank of river**



**Pic #8**

**Slippery rocks past sandy path, East bank of river**



**Pic #9**

**Gap between existing railing and platform, West bank of River**



**Pic #10**

**Rocks beyond gap between railing and platform, West bank of River**

The recommendations above are based on information gathered through meetings, jobsite surveys, observations, and interviews with the account's representatives, unless otherwise specified. These recommendations do not necessarily recognize all exposures present for the account. Alliant Insurance, Inc. its subsidiaries and subcontractors, do not make any warranties or representations in regard to compliance with local, state or federal workplace standards or OSHA requirements. These recommendations are made only for the purpose of identification of insurance underwriting exposures and are made for no other purpose. . Alliant Insurance, Inc. its subsidiaries, and subcontractors do not assume any legal liability due to incorrect or incomplete information given to our representatives, nor any inaccuracies, human error, etc., contained within these recommendations, nor do we assume any liability for making or failure to make any recommendations for this account. The information and recommendations contained in this report are, in the judgment of Alliant Insurance, Inc. its subsidiaries and subcontractors consistent with generally recognized practices for handling the conditions and circumstances discussed. Other methods of dealing with these may exist. Alliant Insurance, Inc. its subsidiaries and subcontractors, make no warranty or representation with respect to the accuracy of the information or with respect to the suitability of the use of such information, nor do Alliant Insurance, Inc. its subsidiaries, and subcontractors assume responsibility for any injury, illness, or damage that may result directly, or indirectly, from the use of such information.

To the extent this information is made available to entities or persons, it is offered solely as a convenience to such entities or persons with the understanding that such entities or persons will review and verify the suitability of the use of such information for application to their specific conditions and circumstances. Since law, government regulations and use conditions are subject to change. Alliant Insurance, Inc. its subsidiaries and subcontractors makes no representation that this information or its use complies with current, Federal, state, or local laws or regulations. Any such determination shall be the sole responsibility of the persons or entities to which such information is given.